FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.976 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Coram : R.S.Mohite,J

Date : 23.01.2006.

PC

1. This is an appeal filed by the State impugning a judgment and order passed by the JMFC, Alibag on 29.4.2004 acquitting the accused nos.1 & 2 for offences punishable under sections 323 & 504 of IPC and acquitting accused nos.3 & 4 for offences punishable under sections 336, 504, & 506 of IPC. Accused no.4 has also been acquitted for the offence punishable under section 324 of IPC. On perusal of the impugned judgment and order, it is seen that the same has been passed for cogent and acceptable reasons.

The evidence of the injured complainant has been dis-believed on several grounds. It has been found that the complainant deposed that the 4 accused accosted him on the way and abused him and thereafter beat him in such a manner that his teeth was broken and he sustained bleeding injury. It has been found that Medical officer does not support the prosecution case regarding teeth being broken. The other eye witness PW-6 Dadu Mhatre has also given a different version about all the accused directly coming to the field. 2 accused had come initially followed by other 2 accused. In the circumstances, the view taken is a possible view. Hence leave is refused and consequently, appeal to stand dismissed.

(R.S.Mohite,J)